

**IN THE UNITED STATES DISTRICT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

Lafarge North America, Inc., f/k/a	)	
Lafarge Corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 05-1110-CV-W-FJG
Discovery Group LLC, et al.,	)	
	)	
Defendants/third-party plaintiffs,	)	
vs.	)	
Chapel Development, L.L.C., et al.,	)	
	)	
Third-party defendants.	)	

**ORDER**

On September 7, 2007, the Court entered an Order (Doc. No. 163) requiring plaintiff to submit the remaining draft lease agreements to the Court for in camera inspection by Thursday, September 14, 2007 in order to determine whether these draft leases are privileged. The Court required plaintiff to produce these documents for the Court's review because defendants had requested that plaintiff produce the drafts of the lease agreement, but plaintiff had objected on the basis of attorney-client privilege. Plaintiff had argued that attorney notations and comments on these drafts are of the privileged nature. Plaintiff submitted to the Court on September 13, 2007 the remaining draft lease agreements it claims are privileged. After reviewing the draft lease agreements, the Court required plaintiff to confirm to the Court by November 9, 2007 whether the substance of these attorney notations and comments were communicated to Lafarge before the Court could find that the draft lease agreements were privileged (Doc. No. 176). Plaintiff subsequently

provided such confirmation to the Court for in camera inspection. Upon review of the documents submitted (Docs. No. 216 and 217), the Court hereby concludes that the bulk of the attorney notations found on the draft leases contain legal advice and that the substance of the attorney notations were communicated to Lafarge. Therefore, the Court hereby finds that the draft leases are indeed privileged and are not subject to discovery.

**IT IS SO ORDERED.**

Date: 12/13/07  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge